

SENATE BILL 1658
By Woodson

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 6 and Chapter 9, relative to limiting vicarious liability for the acts or omissions of state-employed interns, residents, and fellows serving in training programs of medical schools owned or operated by the state.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-6-204, is amended by adding the following new subsection:

(g)

(1) No medical faculty member shall be held by reason of such faculty member's supervision of or control over, such faculty member's right to supervise or exercise control over, or such faculty member's relationship with any intern, resident, or fellow in a training program of a medical school, owned or operated by the state, to be liable for any act or omission of any such intern, resident, or fellow in the course of such intern's, resident's, or fellow's training program under the legal doctrine of respondeat superior, implied or apparent agency, ostensible agency, or any other theory of vicarious liability.

(2) No teaching practice shall be held by reason of its relationship with any medical faculty member to be liable for any act or omission of any intern, resident, or fellow in a training program of a medical school owned or operated by the state in the course of such intern's, resident's, or fellow's training program under the legal doctrine of respondeat superior, implied or apparent agency, ostensible agency, or any other theory of vicarious liability.

(3) Nothing in this subsection is intended, nor shall it be construed, to absolve from or in any way limit the liability of any such medical faculty member for such faculty member's own acts or omissions, nor to absolve from or in any way limit the liability of any such teaching practice for the acts or omissions of its employees. This subsection affects only the vicarious liability of such faculty member or practice for the acts or omissions of interns, residents, and fellows.

SECTION 2. Tennessee Code Annotated, Section 63-6-204(e)(7), is amended by adding the following as new, appropriately designated subdivisions:

() "Intern," "resident," or "fellow" means any person receiving instruction through and acting within the scope of a training program of a medical school owned or operated by the state and who, in such capacity, receives compensation payable by the state and is entitled to individual immunity as an employee of the state pursuant to § 9-8-307(h).

() "Medical faculty member" means any physician having a current, valid letter of appointment to the faculty of a medical school owned or operated by the state, whether volunteer or paid and whether full-time or part-time.

() "Teaching practice" means any professional group practice, sole proprietorship, partnership, corporation, limited liability company, or other public or private entity that employs a medical faculty member or through which a medical faculty member practices.

SECTION 3. This act shall take effect on July 1, 2005, the public welfare requiring it and shall apply to all causes of actions arising on or after such date.